



— State of —  
**North Dakota**  
*Office of the Governor*

**John Hoeven**  
*Governor*

**Executive Order 2009-18**

**WHEREAS**, North Dakota has received significant rain during the harvest season, which has slowed harvest and required the drying of grain using propane; and

**WHEREAS**, North Dakota's corn crop is only 8 percent harvested at last report compared to the five year historical average of 74 percent; and

**WHEREAS**, a surge in demand for propane has occurred because farmers are harvesting higher moisture grain, which requires the use of more propane to dry the grain to proper moisture content for storage; and

**WHEREAS**, drivers of propane delivery trucks are required to wait many hours at North Dakota's main propane terminal, which limits their ability to transport propane to farmers; and

**WHEREAS**, a regional shortage of propane has occurred resulting in the State of Minnesota issuing an Hours of Service waiver; and

**WHEREAS**, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

**NOW, THEREFORE**, I, John Hoeven, Governor of North Dakota, by virtue of the authority vested in me by Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, do hereby declare that a state of emergency exists in North Dakota that requires relief from North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles while transporting propane to customers.

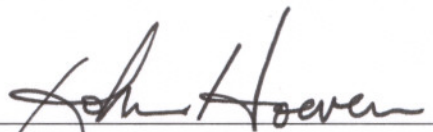
This order is issued on the foregoing bases and on the following conditions:

1. Nothing in this order shall be construed to relieve carriers operating under this order from regulations under state law pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

2. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.

This order shall be effective immediately and shall remain in effect until 11:59 p.m. on December 5, 2009, or for the duration of the emergency, whichever is less.

Executed at Bismarck, North Dakota, this 17 day of November 2009.

  
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John Hoeven  
Governor

ATTEST:

  
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Secretary of State

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Deputy